

1 WEISS & JONES  
2 Philip E. Weiss, Esq. (No. 152523)  
3 1551 Shelter Island Drive  
4 San Diego, California 92106  
5 Telephone: (619) 225-8884  
6 Facsimile: (619) 225-8801  
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8 Attorneys for Plaintiff  
9 Bartell Hotels, a California Limited Partnership,  
10 dba Half Moon Anchorage  
11 Attorney for Plaintiff  
12

13 **UNITED STATES DISTRICT COURT**  
14 **SOUTHERN DISTRICT OF CALIFORNIA**  
15

16 BARTELL HOTELS, A California Limited  
17 Partnership, dba HALF MOON ANCHORAGE,  
18 Plaintiff,

19 v.

20 M/Y CLAIRE IRENE, a 1968 Owens Motor  
21 Yacht of Approximately 40-Feet In Length And  
22 11-Feet In Beam, Bearing California D.M.V.  
23 Registration No. CF 8646 ED, AND ALL OF  
24 HER ENGINES, TACKLE, ACCESSORIES,  
25 EQUIPMENT, FURNISHINGS AND  
APPURTEナANCES, *in rem*,

26 Defendant.

27 ) Case No. 07 CV 2097 L (BLM)  
IN ADMIRALTY  
DECLARATION OF PHILIP E.  
WEISS IN SUPPORT OF REQUEST  
TO ENTER DEFAULT  
F.R.C.P. 55(a) And Supplemental  
Admiralty Rules C and E

28 I, Philip E. Weiss, declare under penalty of perjury under the laws of the United States  
and the State of California the following is true and correct:

29 1. I am an attorney in good standing, licensed to practice before all State and  
30 Federal Courts located in the State of California, including this Honorable Court. I am  
31 counsel of record of the Plaintiff in this action, BARTELL HOTELS, A California Limited  
32 Partnership, dba HALF MOON ANCHORAGE.

33 2. This Declaration is offered in support of BARTELL HOTELS' request that the  
34 Clerk of the above-entitled Court enter a Default in this action against the *in rem* Defendant  
35 Vessel: M/Y CLAIRE IRENE, a 1968 Owens Motor Yacht of Approximately 40-Feet In

1 Length And 11-Feet In Beam, Bearing California D.M.V. Registration No. CF 8646 ED.  
2 AND ALL OF HER ENGINES, TACKLE, ACCESSORIES, EQUIPMENT,  
3 FURNISHINGS AND APPURTENANCES.

4 3. On December 6, 2007 I caused Plaintiff's First Amended Verified Complaint to  
5 be filed with this Court.

6 4. As more fully appearing from and evidenced by a Process Receipt and Return  
7 (U.S. Marshal Form 285) which has been executed by the U.S. Marshal, service was effected  
8 on the Defendant Vessel on February 6, 2008 by the United States Marshal's office, which on  
9 that date posted the Verified Complaint and other vessel arrest documents on the Defendant  
10 Vessel and took her into custody. A true and correct copy of this Process Receipt and Return  
11 is attached hereto as Exhibit A.

12 5. In addition, service of the Summons, the First Amended Verified Complaint and other  
13 documents offered in connection with and in support of the instant vessel arrest in this action was  
14 effected on January 11, 2008 on the documented owner of the DEFENDANT VESSEL, as  
15 evidenced by the Declaration of Service which is hereto attached hereto as Exhibit B and which is on  
16 file in this action:

17 Mr. Kurt Hach  
19918 Chase Street  
18 Canoga Park, CA 91306

[Defendant Vessel's Documented Owner]

19 Neither the above named individual, nor any other person or entity, have intervened or  
20 otherwise appeared in this action, and none has responded to the Verified Complaint on behalf of the  
21 Defendant Vessel within the time prescribed by the Federal Rules of Civil Procedure.

22 6. No party or person has, as required by Supplemental Admiralty Rule C(6)(a)(i), filed  
23 a Statement of Interest in or Right Against the Property within 30 days after publication is completed  
24 pursuant to Supplemental Admiralty Rule C(4). The completion of the required publication is  
25 evidenced by the true and correct copy of the U.S. Marshal Certificate of Publication attached hereto  
26 as Exhibit C.

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1       7. I respectfully urge that the Clerk of this Honorable Court enter the Default of the  
2       *in rem* Defendant Vessel.

3 Executed this 7<sup>th</sup> day of March, 2008 at San Diego, California.



Philip E. Weiss

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